

Message Text

LIMITED OFFICIAL USE

PAGE 01 NEW DE 02762 211253Z

ACTION NEA-10

INFO OCT-01 ISO-00 SSC-01 PM-05 NSC-05 SP-02 SS-15
L-03 CIAE-00 DODE-00 INR-10 NSAE-00 PA-01 USIA-06
/059 W
-----106265 211300Z /43

R 211135Z FEB 78

FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 9628
AMCONSUL BOMBAY
AMCONSUL CALCUTTA
AMCONSUL MADRAS

LIMITED OFFICIAL USE NEW DELHI 2762

E.O. 11652: N/A

TAGS: PINT, IN

SUBJECT: Y.V. CHANDRACHUD APPOINTED CHIEF JUSTICE OF THE SUPREME COURT
T

1. THE GOI ANNOUNCED FEBRUARY 18 THAT IT HAS NOMINATED JUSTICE Y.V. CHANDRACHUD AS THE NEXT CHIEF JUSTICE OF THE SUPREME COURT. CHANDRACHUD IS TO BE SWORN IN ON FEBRUARY 22, WHEN THE PRESENT CHIEF JUSTICE, M.H. BEG, WILL RETIRE.

2. CHANDRACHUD IS THE MOST SENIOR JUSTICE ON THE SUPREME COURT. HIS APPOINTMENT THUS IS A RETURN TO THE PREVIOUS PRACTICE OF NAMING THE CHIEF JUSTICE ON THE BASIS OF SENIORITY. AS THE DATE OF BEG'S SCHEDULED RETIREMENT APPROACHED, THE QUESTION OF CHOOSING HIS SUCCESSOR INCREASINGLY OCCUPIED NATIONAL ATTENTION. IN THE TWO PREVIOUS INSTANCES (1973 AND JANUARY, 1977), MRS. GANDHI'S GOVERNMENT HAD PASSED OVER THOSE JUSTICES NEXT IN LINE OF SUCCESSION (I.E. BY SENIORITY) IN FAVOR OF ONES WHO WERE MORE

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 NEW DE 02762 211253Z

POLITICALLY "COMMITTED" TO HER REGIME. THIS PRODUCED STRONG PROTESTS FROM THE LEGAL COMMUNITY AND BOTH COSES THE PASSED OVER JUSTICES RESIGNED IN PROTEST. PRIME MINISTER DESAI AND LAW MINISTER SHANTI BHUSHAN REPORTEDLY FAVERED RETURNING TO THE SENIORITY PRINCIPLE IN CHOOSING BEG'S SUCCESSOR, AS EVIDENCE OF THE JANATA'S

COMMITMENT TO UNDOING THE MALPRACTICES OF MRS. GANDHI'S ERA. SEVERAL SENIOR JANATA FIGURES OPPOSED THIS ACTION, HOWEVER, ON THE GROUNDS THAT CHANDRACHUD WAS ONE OF THE JUSTICES WHO RULED AGAINST THE RIGHT OF HABEAS CORPUS FOR MISA DETAINEES DURING THE EMERGENCY AND HENCE HAD SHOWN A POLITICAL COMMITMENT TO MRS. GANDHI'S REGIME. BHUSHAN REPORTEDLY CANVASSED OTHER SUPREME COURT JUSTICES, THE CHIEF JUSTICES OF THE HIGH COURTS AND MEMBERS OF THE SUPREME COURT BAR ASSOCIATION AND THE CONSENSUS WAS THAT THE SENIORITY RULE SHOULD BE FOLLOWED IN CHANDRACHUD'S CASE. THE GOVERNMENT DECISION HAS BEEN WELCOMED IN THE PRESS AND BY SUPREME COURT LAWYERS.

3. YESHWANT VISHNU CHANDRACHUD, WHO WILL BE 58 IN JULY, IS LIKELY TO HAVE A LONGER TERM (OVER SEVEN YEARS) THAN ANY PREVIOUS CHIEF JUSTICE BEFORE HE REACHES THE MANDATORY RETIREMENT AGE OF 65. BORN IN POONA (MAHARASHTRA), CHANDRACHUD HAD BRILLIANT ACADEMIC CAREER AT BOMBAY UNIVERSITY BEFORE BECOMING AN ADVOCATE BEFORE THE BOMBAY HIGH COURT IN 1943. HE ALSO LECTURED AT THE GOVERNMENT LAW COLLEGE OF BOMBAY FROM 1949 TO 1952. HE WAS APPOINTED A JUDGE OF THE BOMBAY HIGH COURT IN 1961 AND WAS NAMED TO THE SUPREME COURT IN AUGUST, 1972.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 NEW DE 02762 211253Z

4. COMMENT: THE CHIEF JUSTICE'S ROLE IS IMPORTANT IN THAT HE CHOOSES THE JUDGES WHO WILL CONSTITUTE THE BENCHES IN INDIVIDUAL CASES AND THUS IS ABLE INDIRECTLY TO INFLUENCE THE OUTCOME.

GOHEEN

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PERSONNEL APPOINTMENTS, COURTS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 feb 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978NEWDE02762
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780077-1235
Format: TEL
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780233/aaaabbkk.tel
Line Count: 100
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 15fb60d3-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3536290
Secure: OPEN
Status: NATIVE
Subject: Y.V.CHANDRACHUD APPOINTED CHIEF JUSTICE OF THE SUPREME COUR T
TAGS: PINT, IN, (CHANDRACHUD, Y V)
To: STATE BOMBAY
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/15fb60d3-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014